

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUBREY DRAKE GRAHAM,

Plaintiff,

No. 1:25-cv-399-JAV

v.

UMG RECORDINGS, INC.,

Defendant.

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT UMG RECORDINGS, INC.'S MOTION TO DISMISS THE AMENDED COMPLAINT

Pursuant to Federal Rule of Evidence 201, Defendant UMG Recordings, Inc. (“UMG”) respectfully requests, in connection with its concurrently filed Motion to Dismiss Plaintiff’s Amended Complaint, that the Court take judicial notice of the following:

1. **Exhibit A**, which is a true and correct copy of a public petition entitled *See Art on Trial: Protect Black Art* signed by Plaintiff, Aubrey Drake Graham (“Drake”), available at <https://www.protectblackart.co/>.
2. **Exhibit B**, which is a true and correct copy of the transcript for the NPR podcast released on May 9, 2024 entitled *Pop Culture Happy Hour: We process the explosive Drake-Kendrick beef*, available at <https://www.npr.org/transcripts/1197964460> [<https://perma.cc/JK9R-RGED>], cited in Plaintiff’s Amended Complaint at ¶ 200, n.279.
3. **Exhibit C**, which is a true and correct copy of search results from the New York Times website for (“Drake” & “Kendrick Lamar”) from March 31, 2024 to present, available at <https://www.nytimes.com/search?dropmab=false&lang=en&query=%22Drake%22%20%26%20%22Kendrick%20Lamar%22&sort=best&startDate=2024-04-01>.

4. **Exhibit D**, which is a true and correct copy of lyrics for Drake's track "Back to Back," released as part of Drake's rap diss feud with rapper Meek Mill on July 29, 2015 and available at <https://genius.com/Drake-back-to-back-lyrics>.

5. **Exhibit E**, which is a true and correct copy of lyrics for Drake's track "Duppy Freestyle," released as part of Drake's rap diss feud with rapper Pusha T on May 25, 2018 and available at <https://genius.com/Drake-duppy-freestyle-lyrics>.

6. **Exhibit F**, which is a true and correct copy of lyrics for Drake and J. Cole's track "First Person Shooter," released on October 6, 2023 and available at <https://genius.com/Drake-first-person-shooter-lyrics>.

7. **Exhibit G**, which is a true and correct copy of lyrics for Kendrick Lamar ("Lamar"), Metro Boomin, and Future's track "Like That," released on March 22, 2024 and available at <https://genius.com/Future-metro-boomin-and-kendrick-lamar-like-that-lyrics>.

8. **Exhibit H**, which is a true and correct copy of lyrics for Drake's track "Push Ups," released on April 19, 2024 and available at <https://genius.com/Drake-push-ups-lyrics>. The Spotify audio track and corresponding YouTube video are cited in Plaintiff's Amended Complaint at ¶ 202, n.280.

9. **Exhibit I**, which is a true and correct copy of lyrics for Drake's track "Taylor Made Freestyle," released on April 19, 2024 and available at <https://genius.com/Drake-taylor-made-freestyle-lyrics>.

10. **Exhibit J**, which is a true and correct copy of a June 20, 2024 article entitled *Kendrick Lamar "Not Like Us" Lyrical Breakdown*, written by Demi Phillips for Hot New Hip Hop, available at <https://www.hotnewhiphop.com/798807-kendrick-lamar-not-like-us-drake-lyrics> [<https://web.archive.org/web/20250228095930/https://www.hotnewhiphop.com/798807-kendrick-lamar-not-like-us-drake-lyrics>]

kendrick-lamar-not-like-us-drake-lyrics], and cited in Plaintiff's Amended Complaint at ¶ 86, n.118.

11. **Exhibit K**, which is a true and correct copy of lyrics for Lamar's track "Euphoria," released on April 30, 2024 and available at <https://genius.com/Kendrick-lamar-euphoria-lyrics>. The Spotify audio track and corresponding YouTube video are cited in Plaintiff's Amended Complaint at ¶ 202, n.280 and "Euphoria" is also referenced at ¶ 77.

12. **Exhibit L**, which is a true and correct copy of lyrics for Lamar's track "6:16 in LA," released on May 3, 2024 and available at <https://genius.com/Kendrick-lamar-6-16-in-la-lyrics>.

13. **Exhibit M**, which is a true and correct copy of lyrics for Drake's track "Family Matters," released on May 3, 2024 and available at <https://genius.com/Drake-family-matters-lyrics>. The Spotify audio track and corresponding YouTube video are cited in Plaintiff's Amended Complaint at ¶ 202, n. 280.

14. **Exhibit N**, which is a true and correct copy of lyrics for Lamar's track "Meet the Grahams," released on May 3, 2024 and available at <https://genius.com/Kendrick-lamar-meet-the-grahams-lyrics>. The Spotify audio track and corresponding YouTube video are cited in Plaintiff's Amended Complaint at ¶ 202, n. 280.

15. **Exhibit O**, which is a true and correct copy of lyrics for Drake's track "The Heart Part 6," released on May 5, 2024 and available at <https://genius.com/Drake-the-heart-part-6-lyrics>. The Spotify audio track and corresponding YouTube video are cited in Plaintiff's Amended Complaint at ¶ 202, n. 280 and "The Heart Part 6" is also referenced at ¶¶ 102 and 104.

16. **Exhibit P**, which is a true and correct copy of the transcript for the NPR podcast released on May 10, 2024 entitled *Drake and Kendrick are beefing, but who pays? Plus, moms as our social safety net*, available at <https://www.npr.org/transcripts/1197956376?ft=nprml&f=1197956376> [<https://perma.cc/T8H2-5F59>], cited in Plaintiff's Amended Complaint at ¶ 84, n.110.

17. **Exhibit Q**, which is a true and correct copy of the Brief for Appellant in *Rapaport v. Barstool Sports Inc.*, No. 22-2080-CV (2d Cir. Jan. 4, 2023).

As noted by the Supreme Court, “courts must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference, and matters of which a court may take judicial notice.” *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007); *see also Staehr v. Hartford Fin. Servs. Grp., Inc.*, 547 F.3d 406, 426 (2d Cir. 2008) (holding that for Rule 12(b)(6) motions, “matters judicially noticed by the District Court are not considered matters outside the pleadings”). Courts may take judicial notice of facts that are “not subject to reasonable dispute” because they are “generally known within the trial court’s territorial jurisdiction” or “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Pursuant to Federal Rule of Evidence 201(c)(2), a court “must take judicial notice if a party requests it and the court is supplied with the necessary information.”

Courts may take judicial notice of “the *fact* that press coverage ... contained certain information, without regard to the truth of their contents.” *Staehler*, 547 F.3d at 425 (emphasis in original); *Gonzales v. Nat'l Westminster Bank PLC*, 847 F. Supp. 2d 567, 569 n.2 (S.D.N.Y. 2012) (taking “judicial notice of publicly available information including newspaper articles”);

In re Salomon Analyst Winstar Litig., 2006 WL 510526, at *4 n.6 (S.D.N.Y. Feb. 28, 2006) (taking judicial notice of the fact that news articles were published, and collecting cases doing the same). Additionally, courts can “take judicial notice of media reports insofar as they detail widely documented events that plaintiffs themselves reference or generally acknowledge in their pleadings.” *Jeffery v. City of New York*, 113 F.4th 176, 179 (2d Cir. 2024).

Courts may also take judicial notice of song lyrics. *See, e.g., Jones v. Atl. Records*, 2023 WL 5577282, at *5 n.5 (S.D.N.Y. Aug. 29, 2023) (taking judicial notice of song lyrics); *Pickett v. Migos Touring, Inc.*, 420 F. Supp. 3d 197, 207 (S.D.N.Y. 2019) (taking judicial notice of song lyrics because they are able to be “obtained from widely available and reliable sources,” and “the accuracy of which cannot reasonably be questioned”).

And they can further take judicial notice of court filings. *See Staehr*, 547 F.3d at 425 (“A court may take judicial notice of a document filed in another court not for the truth of the matters asserted in the other litigation but rather to establish the fact of such litigation and related filings.”) (cleaned up).

Each of the aforementioned exhibits are judicially noticeable under this standard. Exhibit A is a publicly signed petition. Exhibits D through I, and K through O are lyrics to tracks released by Drake, Lamar, and other recording artists. Exhibits B, C, J and P are media reports. Exhibit Q is a court filing. These exhibits are each publicly available such that their authenticity is not reasonably in dispute, and UMG has supplied the Court with the lyrics, news articles, and sources where they can be easily located. Accordingly, judicial notice is appropriate. *See, e.g., Fed. R. Evid. 201(b)(2), (c)(2); Jeffery*, 113 F.4th at 179; *Staehar*, 547 F.3d at 425; *Gonzales*, 847 F. Supp. 2d at 569 n.2; *In re Salomon*, 2006 WL 510526, at *4 n.6., *Pickett* 420 F. Supp. 3d at 207. Additionally, the sources that are cited in the Complaint (Exhibits B, H, J, K and M

through P) are incorporated by reference into the Complaint. *See Trump v. Vance*, 977 F.3d 198, 210 n.8 (2d Cir. 2020) (incorporation by reference when a pleading “makes a clear, definite and substantial reference” rather than “passing reference” to article) (cleaned up).

For the foregoing reasons, UMG respectfully requests that the Court take judicial notice of Exhibits A through Q attached hereto.

Dated: May 7, 2025

/s/ Rollin A. Ransom

Rollin A. Ransom (admitted *pro hac vice*)
SIDLEY AUSTIN LLP
350 South Grand Street
Los Angeles, CA 60603
Telephone: (213) 896-6000
Facsimile: (213) 896-6600
Email: rransom@sidley.com

Nicholas P. Crowell
James R. Horner
Katelin Everson
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
Telephone: (212) 839-5300
Facsimile: (212) 839-5599
Email: ncrowell@sidley.com
jhorner@sidley.com
keverson@sidley.com

Counsel for Defendant UMG Recordings, Inc.